

Message Text

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ACTION L-03

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SUBJECT: CONFERENCE ON INTERNATIONAL HUMANITARIAN LAW

REF: STATE 119750

1. SINCE VOTE ON ARTICLE 86 BIS IN COMMITTEE I WAS NOT
BY ROLL CALL, WE ARE UNABLE TO GIVE COMPLETE BREAKDOWN
OF VOTE. ACCORDING TO BEST INFORMATION AVAILABLE,
AFGHANISTAN, ALGERIA, CYPRUS, ECUADOR, EGYPT, GHANA,
GUATEMALA, HONDURAS, IRAN, IRELAND, JORDAN, REPUBLIC OF
KOREA, KUWAIT, LEBANON, LIBYA, MADAGASCAR, MEXICO,
MOZAMBIQUE, NICARAGUA, NIGERIA, NORWAY, OMAN, PAKISTAN,
PANAMA, PERU, PHILIPPINES, ROMANIA, SENEGAL, SPAIN, SRI
LANKA, SWEDEN, SYRIA, UGANDA, URUGUAY,
VENEZUELA AND YUGOSLAVIA NOTED IN FAVOR OF 86 BIS.
AUSTRALIA, BELGIUM, BULGARIA, USSR, CAMEROON, CANADA,
CUBA, CZECHOSLOVAKIA, DENMARK, FRANCE, GDR, FRG,
GREECE, HUNGARY, INDIA, INDONESIA, ISRAEL, ITALY,
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JAPAN, NETHERLANDS, NEW ZEALAND, POLAND, PORTUGAL,
THAILAND, UK AND US VOTED AGAINST THE ARTICLE. THE
FOLLOWING ABSTAINED: CHILE, COLOMBIA, FINLAND, IVORY
COAST, MAURETANIA, TURKEY, ZAIRE, VIETNAM, SWITZERLAND,
AUSTRIA, ARGENTINA, INDONESIA AND BRAZIL.

2. TOTAL OF 90 VOTES CAST ON ARTICLE 86 BIS. SINCE 139

NATIONS ARE REPRESENTED AT CONFERENCE, FINAL VOTE ON ARTICLE IN PLENARY IS DIFFICULT TO PREDICT. ALTHOUGH WE NEED ONLY ONE MORE THAN A THIRD TO BLOCK, THE VOTE APPEARS LIKELY TO BE VERY CLOSE.

3. DELEGATIONS WHICH MIGHT BE INFLUENCED BY APPROACH AUTHORIZED PARA 2 OF REFTL INCLUDE FINLAND, IRELAND, TURKEY, BRAZIL, URUGUAY, GHANA, AUSTRIA AND GREECE. (GREECE VOTED AGAINST 86 BIS IN COMMITTEE I BUT HAS INDICATED THAT IT MIGHT ABSTAIN IN THE PLENARY AS A RESULT OF MEXICAN DEMARCHES IN ATHENS).

4. INFORMAL MEETINGS HELD MAY 25 AND 26 TO EXPLORE POSSIBILITY OF COMPROMISE ON ARTICLE 86 BIS. MEETINGS WERE CHAIRED BY NORWAY. ATTENDANTS INCLUDE SWEDEN, NORWAY, GDR, USSR, ALGERIA, SWITZERLAND, AUSTRIA, U.K., YUGOSLAVIA, NIGERIA, LEBANON, MEXICO, IRAN, EGYPT, SRI LANKA, AND US. DURING MAY 25 MEETING WE ADVISED GROUP THAT US WAS FULLY PREPARED TO CONTINUE WORK ON WEAPONS PROPOSALS IN THE CONTEXT OF HUMANITARIAN LAW IN AN APPROPRIATE FORUM TO BE AGREED UPON WITHIN THE NEXT SIX MONTHS. HOWEVER, WE MADE IT CLEAR THAT WE WOULD NOT ACCEPT LINKAGE TO ARTICLE 33. USSR AND GDR SUPPORTED OUR POSITION, AS DID THE UK.

5. SWEDEN DISTRIBUTED DRAFT PROPOSAL, CONSISTING OF A DRAFT ARTICLE 33 BIS AND TWO RELATED RESOLUTIONS REPORTED SEPTEL. MEXICO FOUND THE SWEDISH DRAFT PROPOSAL UN-ACCEPTABLE AND SUGGESTED THAT NEGOTIATIONS SHOULD LIMITED OFFICIAL USE

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BE DISCONTINUED. DESPITE CONCILIATORY ATTITUDE OF OTHERS, INCLUDING THE GDR, USSR, AND UK, ALL OF WHOM WERE WILLING TO CONTINUE NEGOTIATIONS TOWARDS POSSIBLE COMPROMISE, MEXICO REMAINED INTRANSIGENT. THUS, IT IS DOUBTFUL THAT NEGOTIATIONS WILL CONTINUE. MEXICAN REP TOLD ALDRICH PRIVATELY THAT NEGOTIATION PROCESS WAS CAUSING HIM TO LOSE VOTES.

6. WE BELIEVE THAT UNCOMPROMISING ATTITUDE OF 86 BIS GROUP ESPECIALLY IN FACE OF SPIRIT OF COMPROMISE EXHIBITED BY US, USSR, UK AND MANY OTHERS, WILL BE VERY HELPFUL IN GARNERING SUPPORT FOR THE DEFEAT OF ARTICLE 86 BIS. SORENSON

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